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Security Council

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Letter dated 2 December 2001 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 1 December 2001 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq. Appended to the Minister's letter is a table showing the 65 violations of Iraq's airspace and international boundaries that were committed by United States and British warplanes flying from bases in Kuwait across the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the period from 10 to 23 November 2001. The Minister points out that the United States and the United Kingdom are continuing to enforce the illegal no-flight zones in northern and southern Iraq, and that this constitutes aggression and is in flagrant violation of the Charter of the United Nations.

Accordingly, the Minister urges you to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone, given that such violations constitute wanton aggression against the sovereignty, territory and people of Iraq, as well as against United Nations peacekeeping operations. He further asks you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators, namely the United States, the United Kingdom, Kuwait and Saudi Arabia, are held accountable for it under international law and liable for the payment of compensation to Iraq.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

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Annex to the letter dated 2 December 2001 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

Further to our letter dated 20 November 2001, I should like to inform you that in the period from 10 to 23 November 2001 United States and British warplanes flying from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) committed 65 violations of our international boundaries. As shown in the table appended to this letter, the relevant Iraqi agencies have determined that the violations committed were as follows:

1. Armed aerial activity by the United States and the United Kingdom, violating our international boundaries from the United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 65 armed sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s and F-16s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.

4. In the period from 10 to 23 November 2001, a total of one remotely piloted aircraft violated Iraq's airspace, flying from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The enforcement by the United States and the United Kingdom of the no-flight zones in northern and southern Iraq is an internationally unlawful act and a flagrant violation of the Charter of the United Nations and the established norms of international law. It constitutes a use of armed force against Iraq's sovereignty, independence and territorial integrity, and it is to be regarded as an ongoing act of aggression such as accords with the Definition of Aggression approved by the United Nations General Assembly in its resolution 3314 (XXIX) of 14 December 1974. Most of the world's countries have condemned the maintenance of the no-flight zones as representing an illegitimate use of force against an independent State. Your predecessor, Mr. Boutros Boutros-Ghali, has affirmed that the claim that the Security Council resolutions concerning Iraq authorize the imposition of the no-flight zones is groundless, and you asserted the same fact yourself at your press conference of 27 June 2001. The United States and the United Kingdom, with logistic support from Turkey and both logistic support and funding from Kuwait and Saudi Arabia, are nevertheless persisting undeterred in their contempt for the Charter of the United Nations and international law and are committing this

cowardly, terrorist aggression against Iraqi civilians and against Iraq's sovereignty, territorial integrity and political independence.

The violations being committed by the United States and the United Kingdom involving 10 to 20 military aircraft on a daily basis constitute an unlawful war. They represent an act of aggression such as requires the United Nations to take the measures required in its regard under the Charter in order to halt it forthwith and ensure that those who have committed it bear full international responsibility for it, including liability for the payment of compensation to Iraq.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft are untenable in the light of the scientific and technological capabilities that the United Nations Secretariat should make available to it for use in meeting the requirements of its mandate and establishing the identity and nationality of the warplanes that are violating Iraq's sovereign airspace, so that the necessary measures may be taken by the Security Council to halt these violations and acts of aggression. In another respect, even if UNIKOM did not have the systems needed to identify the type and nationality of these aircraft, the fact that they come from the direction of Kuwait confirms that they are those of the United States and the United Kingdom, because these two countries do not deny that they are engaging in aggression against Iraq on a daily basis from Kuwait. Your report on UNIKOM for the period from 28 March to 24 September 2001 (S/2001/913) indicates as much, and paragraph 6 states that "[it should be noted] that the mission's inability to identify the States responsible for conducting such flights is in no way to be understood as condoning them". You also state in the report that the United States and the United Kingdom have acknowledged that they are continuing to enforce a no-flight zone in southern Iraq.

I accordingly urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and nationality of the warplanes that violate the demilitarized zone and commit aggression against Iraq, given that this constitutes wanton aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. I also ask you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators, namely the United States, the United Kingdom, Kuwait and Saudi Arabia, are held accountable for it under international law.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and by way of the demilitarized zone, 10-23 November 2001

No.	*Date*	*From*	*Time*	*Type*	*Sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
1	10-16 November	Kuwait	0900-1533	F-14, F-15	38	9,000-11,000	720-780	Basrah, Artawi, Nasiriyah, Shatrah, Rifa'i, Salman
2	17-23 November	Kuwait	1420-2205	F-14, F-15, F-16	27, including one remotely piloted aircraft	6,000-10,000	240-780	Basrah, Artawi, Jalibah, Shatrah, Safwan

Total sorties: 65

Note: The total number of armed aerial violations committed from Kuwaiti territory in the period from 17 December 1998 to 23 November 2001 was 35,877.